

REMARKS

Claims 1, 3, 6, 12, 14, 16 and 21-34 are pending in the instant application. Claims 1, 3, 6, 12, 14, 16, and 21-26 stand rejected, while claims 27-34 are added herein. Reconsideration is respectfully requested in light of the amendments and remarks contained herein.

Claim Rejections – 35 U.S.C. § 103

Claims 1, 6, 12, 16, and 21-26 stand rejected under 35 U.S.C. § 103(a) as being obvious over the combination of Crook (U.S. Patent Pub. No. 2003/0177203), Stuppy (U.S. Patent Pub. No. 2003/0054328), and Ladd (U.S. Patent Pub. No. 2004/0024897). The § 103 rejections of claims 3 and 14 further incorporate Rachman (U.S. Patent Pub. No. 2002/0182578).

Applicant thanks Examiner Joo for the detailed response to arguments. Applicant previously argued that the pending claims require conversion of content items to a plurality of different formats and that such a feature was not shown in the cited references because the cited references only teach conversion to another single format (*e.g.*, Word format to HTML format in Crook and a “first data format” to a “second data format” in Ladd). The Office Action does not appear to dispute that the cited references do not teach conversion to a plurality of different file type formats. However, the Office Action appears to argue that the claim formats can read broadly on differently formatted documents without regard to file type.

While applicant disagrees with the Office’s position, to expedite prosecution, the independent claims have been amended. Claim 1 now recites “preparing a plurality of deliverables for conversion to a plurality of different file type formats suitable for presentation.” Support for this amendment can be found at least at FIGS. 1-3, for example, including at the example of FIG. 3 at 330, which discloses that the Mathematics Test can be converted to a .pdf format and a .wav format. It is respectfully submitted Crook and Stuppy, which disclose

conversion to differently arranged HTML documents and conversion to different spoken language documents, respectively, do not disclose conversions to a plurality of different file type formats as claimed. As noted in applicant's previous Office Action Response of June 4, 2009, the combination of these references does not teach or suggest conversion to a plurality of different file type formats. Therefore, it is respectfully submitted that claim 1 is allowable over the cited references, and it is respectfully requested that the § 103 rejection of claim 1 be withdrawn.

A similar amendment has been made to independent claim 12. It is respectfully requested that the § 103 rejection of claim 12 be withdrawn for similar reasons as offered for claim 1.

Claims 27-34 have been added, support for which can be found at least at FIGS. 1-3, for example. Claims 27 and 28 recite that one or more content items are associated with multiple file type formats to which to convert the associated content item. As shown in FIG. 3 at 330, for example, a mathematics test content item can be associated with both a .pdf file format and a .wav file format to which to convert the mathematics test content item. It is respectfully submitted that the cited references do not teach this feature.

Claim 29 is a computer implemented system that includes a server and a database accessible by the server, where the server is configured to execute steps. The recited steps corresponds substantially with the steps of claim 1. The recited computer aspects of claim 29 are supported throughout the application including FIGS. 1-3 and the description at paragraph [0026].

Dependent claims 30-34 correspond substantially with claims 3, 6, 21, 22, and 28, respectively. It is respectfully submitted that all of the new claims are allowable over the cited references.

It is noted that the assignee has not presented arguments herein with respect to certain dependent claims in the instant application. This is done without prejudice to the assignee's right to present arguments regarding each of the dependent claims at any point in the future. Further, since all of the dependent claims in the instant application depend from independent claims that are patentable over the cited references, the dependent claims are themselves patentable for at least the reasons set forth with respect to the independent claims.

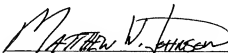
CONCLUSION

For the foregoing reasons, assignee respectfully submits that the pending claims are allowable. Therefore, the examiner is respectfully requested to pass this case to issuance.

The Commissioner is authorized to charge any fees that may be required by this paper to Jones Day Deposit Account No. 50-3013.

Respectfully submitted,

Date: January 15, 2010

By: 
Matthew W. Johnson
Registration No. 59,108

W. Joseph Melnik
Registration No. 48,741
Phone No. (202) 879-3939

Intellectual Property Group
51 Louisiana Avenue, N.W.
Washington, D.C. 20001-2113
(202) 879-3939 Telephone
(202) 626-1700 Facsimile